IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3842 OF 2005
IN
FIRST APPEAL NO.1207 OF 2005

The State of Maharashtra ...Applicant

Versus

Boru Vithu Misal & Anr. ...Respondents

Shri A.R.Patil for the Applicant.

None for the Respondents.

CORAM : A. S. OKA, J.

DATE : JANUARY 12, 2007.

P.C.:

1. Notice is already issued on the Civil Application. In terms of ad-interim order, the Applicant has deposited 50% of the amount in the Trial Court. Considering the nature of the impugned Judgment and Award, the Applicant will have to deposit the entire amount of compensation.

2. Hence, Civil Application is disposed of by passing following order:

(i) The balance amount payable under the impugned Judgment and Award will be deposited by the

Applicant within the period of twelve weeks from today with the reference court. Ad-interim relief granted earlier will continue till the disposal of the Appeal subject to deposit of the said amount. If compliance is not made, prayer for stay will stand rejected.

(ii) The Respondents (claimants) will be entitled to withdraw the amount deposited by the Applicant subject to furnishing adequate security to the satisfaction of the reference court. The reference court will hear the Applicants before accepting the security.

(iii) No orders as to costs.

JUDGE